

**SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT**

312787

DATE OF REPORT (DAY-MO.-YEAR)

30 November 2006

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME Derrick D. ALLEN				RANK PA	STAR NO. 18366	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 121-G
ADDRESS OF INCIDENT 50 [REDACTED] W. Adams				DATE OF INCIDENT -TIME 05 May 06 at 2030 hours		BEAT OF INCIDENT 1533		LOCATION CODE* 19
ACCUSED	NAME 1. Leo SCHMITZ			RANK LT	STAR NO. 605	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 012/dtl. 214
	2. Lisa MANN			SGT	1717	XXX-XX-XXXX	[REDACTED]	011/dtl. 214
	SEX/RACE 1. M/W	D.O.B. [REDACTED] 59	DATE OF APPOINTMENT 11 AUG 86		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE† 01
	2. F/W	[REDACTED] 57	07 JUL 97		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01
	IF APPLICABLE - DATE ARRESTED/INDICTED 1. DNA				COURT BRANCH		DISPOSITION & DATE	
	2.							
COMPLAINANTS	NAME [REDACTED]			ADDRESS** [REDACTED]		CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE F/B
	[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	D.O.B./AGE [REDACTED] 52
VICTIMS	NAME NONE			ADDRESS** [REDACTED]		CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE M/B
	[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	D.O.B./AGE [REDACTED] 70
WITNESSES	NAME NONE			ADDRESS** [REDACTED]		CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE [REDACTED]
	[REDACTED]			[REDACTED]		[REDACTED]	[REDACTED]	D.O.B./AGE [REDACTED]

☒ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

#1: The complainant [REDACTED] alleges on 05 May 06, at approximately 2030 hours, at 50 [REDACTED] W. Adams, the accused entered and searched the first floor apartment of her building without a search warrant.

#2: The complainant [REDACTED] alleges on 05 May 06, at approximately 2030 hours, at 50 [REDACTED] W. Adams, the accused entered and searched [REDACTED] without a search warrant.

#3: The complainant [REDACTED] alleges on 05 May 06, at approximately 2030 hours, at 50 [REDACTED] W. Adams, the accused, after entering the basement apartment without a search warrant, tore duck tape from the basement ceiling.

#4: The complainant [REDACTED] alleges on 05 May 06, at approximately 2030 hours, at 50 [REDACTED] W. Adams, the accused stole a camera from the basement apartment.

#5: The complainant [REDACTED] alleges on 05 May 06, at approximately 2030 hours, at 50 [REDACTED] W. Adams, the accused removed her car key from the basement apartment and entered her vehicle without a search warrant.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s). In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

SEE PAGES THREE - SIX of the SUMMARY REPORT DIGEST

ATTACHMENTS	INVESTIGATIVE REPORTS- SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS:	INVESTIGATIVE REPORTS- SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS:	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
	0	0	0	57

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS-RECOMMENDATIONS

SEE PAGES SIX - NINE of the SUMMARY REPORT DIGEST

REVIEWED BY
APR 05 2007

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	09 May 06	DATE COMPLETED (DATE OF THIS REPORT)	30 November 2006	ELAPSED TIME (TOTAL TIME EXPRESSED IN DAYS)	205
Investigator will initiate the Command Channel Review form by completing the Investigator's Section.			INVEST		

IF NECESSARY, USE AN 8½ x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM.

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ADDITIONAL ACCUSED:

3. John LUCID, sergeant, star #2361, employee [REDACTED], assigned 010th /detailed Unit 214, M/W, DOB: [REDACTED] 65, DOA: 02 JAN 92, on-duty, sworn, code 01
4. David GREENWOOD, police officer, star #15128, employee [REDACTED], assigned 015th/detailed Unit 214, M/W, DOB: [REDACTED] 74, DOA: 13 SEP 99, on-duty, sworn, code 01
5. Corry WILLIAMS, police officer, star #17004, employee [REDACTED], assigned 011th/detailed Unit 193, M/B, DOB: [REDACTED] 74, on-duty, sworn, code 01
6. Tony HENRY, police officer, star #18642, employee [REDACTED], assigned 017th/detailed Unit 214, M/B, DOB: [REDACTED] 61, DOA: 05 DEC 94, on-duty, sworn, code 01
7. Elmer FABIAN, police officer, star #13999, employee [REDACTED], assigned 011th/detailed Unit 214, M/H, DOB: [REDACTED] 73, DOA: 10 OCT 00, on-duty, sworn, code 01
8. Chad BAUMAN, police officer, star #15110, employee [REDACTED], assigned 015th/detailed Unit 214, M/W, DOB: [REDACTED] 71, DOA: 13 SEP 99, on-duty, sworn, code 01
9. Aaron CUNNINGHAM, police officer, star #15522, employee [REDACTED], assigned 010th/detailed Unit 214, M/W, DOB: 02 AUG 67, DOA: 29 JUN 98, on-duty, sworn, code 01
10. Richard ALVAREZ, police officer, star #6265, employee [REDACTED], assigned 012th/detailed Unit 214, M/H, DOB: [REDACTED] 66, DOA: 27 MAR 91, on-duty, sworn, code 01
11. Michael THOMAS, police officer, star #8796, employee [REDACTED], assigned 013th/detailed Unit 214, M/W, DOB: [REDACTED] 69, DOA: 10 OCT 00, on-duty, sworn, code 01
12. Nelly SANCHEZ, police officer, star #4243, employee [REDACTED], assigned 010th/detailed Unit 214, on-duty, sworn, code 01
13. Karen RITTORNO, police officer, star #4473, employee [REDACTED], assigned 013th/detailed 163, sworn, code 01
14. Paul HUERTA, police officer, star #13692, employee [REDACTED], assigned 012th/detailed Unit 214, M/H, DOB: [REDACTED] 72, DOA: 05 SEP 95, on-duty, sworn, code 01

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INVESTIGATION:

Reporting Agent attempted to prove or disprove the allegations by conducting the following investigation.

R/A received the complaint of [REDACTED] alleged on 05 May 2006, at 2030 hours, at 50 [REDACTED] W. Adams, the police entered and searched the basement apartment of the building she owns without a search warrant or permission. [REDACTED] alleged the police tore duck work from the basement ceiling, stole a camera from the basement, and searched her vehicle without a search warrant or permission. [REDACTED] was also named as a complainant. (Attachment 1)

A sworn affidavit was signed by [REDACTED]
(Attachment 2)

C.R. #312787 is a reassignment, which was initially assigned to Police Agent Anthony ROSAS, #3152, Unit 121. (Attachment 3)

R/A reviewed the report of PA ROSAS, who had interviewed complainant #1, [REDACTED] at the Internal Affairs Division. [REDACTED] added that she did not witness the alleged incident, but was provided with a copy of Search Warrant [REDACTED] [REDACTED] related the search warrant did not specify the basement apartment and her vehicle as targets to be searched by the police. [REDACTED] related that [REDACTED] who was arrested for narcotics during the search warrant, discovered a camera missing from his apartment. [REDACTED] could not provide proof via a receipt for the missing camera. (Attachment 4)

Complainant #2, [REDACTED] was not interviewed by the R/A. R/A left a recorded message via telephone for [REDACTED] to contact the Internal Affairs Division, but he failed to do so. R/A mailed [REDACTED] a certified letter. The certified letter was returned to I.A.D. apparently signed by [REDACTED], but he failed to contact I.A.D. (Attachments 5, 6)

Accused #1, Lieutenant Leo SCHMITZ, #605, Unit 214, was interviewed via a report. Lt. SCHMITZ refuted the allegations. Lt. SCHMITZ related he was assigned as the Area Four Gang Operations Lieutenant when he assisted the Project Safe Neighborhood Gun Team carry out Search Warrant [REDACTED] at 50 [REDACTED] W. Adams. Lt. SCHMITZ related he ensured the P.S.N. Team was safe and the search warrant was executed properly. Lt. SCHMITZ related he did not observe a Department member damage [REDACTED] apartment, steal a camera, or enter [REDACTED] vehicle. (Attachments 7, 8, 9)

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Accused #2, Sergeant Lisa MANN, #1717, Unit 214, was interviewed via a report. Sergeant MANN related she was the Area Four Saturation Team Supervisor when she assisted the Project Safe Neighborhood Gun Team execute Search Warrant [REDACTED] at 50 [REDACTED] W. Adams. Sergeant MANN denied entering the said location. Sergeant MANN related she was assigned to the perimeter during the search warrant to prevent anyone from entering the residence. Sergeant MANN related she did not observe a Department member damage the complainants' residence, steal a camera, or enter [REDACTED] vehicle. (Attachments 10, 11, 12)

Accused #3, Sergeant John LUCID, #2361, Unit 214, was interviewed via a report. Sergeant LUCID refuted the allegations. Sergeant LUCID related he along with P.S.N. Gun Team executed a search warrant at 5030 S. Adams. Sergeant LUCID related he supervised the search of the apartment. Sergeant LUCID related the "target" [REDACTED] was arrested for narcotics. Sergeant related he did not observe a Department member damage the complainants' residence, steal a camera, or enter [REDACTED] vehicle. (Attachment 13, 14, 15)

Accused #4, PO David GREENWOOD, #15128, Unit 214, was interviewed via a report. PO GREENWOOD related he assisted in the execution of Search Warrant [REDACTED] at 50 [REDACTED] W. Adams. However, PO GREENWOOD refuted the allegations. PO GREENWOOD related he did not observe a Department member damage the complainants' residence, steal a camera, or enter [REDACTED] vehicle. (Attachments 16, 17, 18)

Accused #5, PO Corry WILLIAMS, #17004, Unit 193, was interviewed via a report. PO WILLIAMS related he assisted in Search Warrant [REDACTED]. PO WILLIAMS related he never entered the basement at the said location. PO WILLIAMS refuted the allegations. (Attachments 19, 20, 21)

Accused #6, PO Tony HENRY, #18642, Unit 214, was interviewed via a report. PO WILLIAMS related he assisted in Search Warrant [REDACTED]. PO WILLIAMS refuted the allegations and corroborated the same information as the above-named accused. (Attachments 22, 23, 24)

Accused #7, PO Elmer FABIAN, #13999, Unit 214, was interviewed via a report. PO FABIAN related he assisted in Search Warrant [REDACTED]. PO FABIAN related he never entered the residence during the execution of the search warrant. PO FABIAN related he was assigned the outer perimeter of the residence. PO FABIAN refuted the allegations and corroborated the same information as the above-named accused. (Attachments 25, 26, 27)

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Accused #8, PO Chad BAUMAN, #15110, Unit 214, was interviewed via a report. PO BAUMAN related he assisted in the aforementioned search warrant. PO BAUMAN refuted the allegations and essentially corroborated the same information as the above-named accused. (Attachments 28, 29, 30)

Accused #9, PO Aaron CUNNINGHAM, #15522, Unit 214, was interviewed via a report. PO CUNNINGHAM related although he assisted in the said search warrant, he did not enter the residence. PO CUNNINGHAM denied the allegations and essentially corroborated the same information as the above-named accused. (Attachments 31, 32, 33)

Accused #10, PO Richard ALVAREZ, #6265, Unit 214, was interviewed via a report. PO ALVAREZ refuted the allegations and corroborated the same information as the above-named accused. (Attachments 34, 35, 36)

Accused #11, PO Michael THOMAS, #8796, Unit 214, was interviewed via a report. PO THOMAS denied entering the residence at the said location without a search warrant. PO THOMAS also denied entering [REDACTED] vehicle without a search warrant. PO THOMAS denied damaging the basement or stealing a camera. (Attachments 37, 38, 39)

Accused #12, PO Nelly SANCHEZ, #4243, Unit 214, was interviewed via a report. PO SANCHEZ also assisted in the said search warrant, corroborated the same information as the aforementioned accused, and refuted the allegations. (Atts' 40, 41, 42)

Accused #13, PO Karen RITTORNO, #4473, detailed Unit 163, was interviewed via a report. PO RITTORNO assisted in the said search warrant. PO RITTORNO refuted the allegations and corroborated the same information as the above-mentioned accused. (Attachments 43, 44, 45)

Accused #14, PO Paul HUERTA, #13692, Unit 214, was interviewed via a report. PO HUERTA, who assisted in the said search warrant, corroborated the same information as the above-mentioned accused. PO HUERTA refuted the allegations. (Attachments 46, 47, 48)

R/A obtained miscellaneous documents, which included an Arrest Report of [REDACTED] 88, 90, Search Warrant & Complaint For Search Warrant [REDACTED] Search Warrant Data [REDACTED], and Laboratory Report [REDACTED] (Attachments 49 – 57)

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In summary, this investigation revealed [REDACTED], who did not witness the incident, alleged the accused entered and searched the basement of the building she owns without a search warrant. [REDACTED] also alleged during the search warrant, the accused damaged the basement apartment, stole a camera, and searched her vehicle without a search warrant. R/A attempted to further the investigation with [REDACTED] who is also named as a complainant and resides in the basement, but he failed to cooperate by not contacting the R/A. R/A telephoned [REDACTED], but he did not contact the Internal Affairs Division. The certified letter mailed to [REDACTED] was returned to I.A.D. apparently signed by [REDACTED] but he failed to respond via a telephone. As a result, the R/A did not procure a signed sworn affidavit from [REDACTED]

Furthermore, the investigation revealed the above-named accused executed Search Warrant [REDACTED] which was approved by Judge O'MALLEY, #1561. The search warrant specially described 50 [REDACTED] W. Adams, [REDACTED] as the targeted location. The search warrant also described the targeted person as a male black, 6'1 in height, 160 lbs., brown eyes, and black hair. Evidence also revealed during the search warrant [REDACTED] was [REDACTED]. The accused refuted the allegations made by [REDACTED]. Based on the evidence gathered, absent of a signed sworn affidavit by [REDACTED] and his non-cooperation, this investigation supports a finding of the following.

FINDINGS:

Accused #1:	LT. Leo SCHMITZ
Allegation #1:	Unfounded
Allegation #2:	Unfounded
Allegation #3:	Not-Sustained
Allegation #4:	Not-Sustained
Allegation #5:	Not-Sustained

Accused #2:	SGT. Lisa MANN
Allegation #1:	Unfounded
Allegation #2:	Unfounded
Allegation #3:	Not-Sustained
Allegation #4:	Not-Sustained
Allegation #5:	Not-Sustained

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Accused #3: SGT. John LUCID
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #4: PO David GREENWOOD
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #5: PO Corry WILLIAMS
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #6: PO Tony HENRY
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #7: PO Elmer FABIAN
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #8: PO Chad BAUMAN
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

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Accused #9: PO Aaron CUNNINGHAM
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #10: PO Richard ALVAREZ
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #11: PO Michael THOMAS
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #12: PO Nelly SANCHEZ
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #13: PO Karen RITTORNO
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

Accused #14: PO Paul HUERTO
Allegation #1: Unfounded
Allegation #2: Unfounded
Allegation #3: Not-Sustained
Allegation #4: Not-Sustained
Allegation #5: Not-Sustained

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RECOMMENDATIONS FOR DISCIPLINARY ACTIONS:

No Disciplinary Actions Warranted – Case To Be File.

EVIDENCE

Attachments:

1. Complaint Against Department Member
- 1a. Complaint Register Conflict Certification
2. Signed Sworn Affidavit of [REDACTED]
- 2a. Unsigned Sworn Affidavit of [REDACTED]
3. Reassignment of CR #312787
4. Report of PA Anthony ROSAS RE: Interview of [REDACTED] (2 pages)
5. Report of PA Derrick D. ALLEN RE: Attempt interview of [REDACTED]
6. Receipts of Certified Letter # [REDACTED]
7. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
8. Administrative Proceeding Rights & Waiver of Counsel form set, LT. Leo SCHMITZ (2 pages)
9. Report of Lt. Leo SCHMITZ
10. Report of PO Derrick D. ALLEN RE: Required Report (2 pages)
11. Administrative Proceeding Rights & Waiver and Counsel form set, Sgt. Lisa MANN (2 pages)
12. Report of Sgt. Lisa MANN
13. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
14. Administrative Proceeding Rights & Waiver of Counsel form set, Sgt. John LUCID (2 pages)
15. Report of Sgt. John LUCID
16. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
17. Administrative Proceeding Rights & Waiver of Counsel form set, PO David GREENWOOD (2 pages)
18. Report of PO David GREENWOOD
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20. Administrative Proceeding Rights & Waiver of Counsel form set, PO Corry WILLIAMS (2 pages)
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24. Report of PO Tony HENRY
25. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
26. Administrative Proceeding Rights & Waiver of Counsel form set, PO Elmer FABIAN (2 Pages)
27. Report of PO Elmer FABIAN
28. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)

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continued:

29. Administrative Proceeding Rights & Waiver of Counsel form set, PO Chad BAUMAN (2 pages)
30. Report of PO Chad BAUMAN
31. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
32. Administrative Proceeding Rights & Waiver of Counsel form set, PO Aaron CUNNINGHAM (2 pages)
33. Report of PO Aaron CUNNINGHAM
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45. Report of PO Karen RITTORNO
46. Report of PA Derrick D. ALLEN RE: Required Report (2 pages)
47. Administrative Proceeding Rights & Waiver of Counsel form set, PO Paul HUERTA (2 pages)
48. Report of PO Paul HUERTA
49. Arrest Report of [REDACTED] (3 pages)
50. [REDACTED]
51. [REDACTED] (3 pages)
52. [REDACTED]
53. [REDACTED]
54. [REDACTED]
55. Search Warrant & Complaint For Search Warrant [REDACTED] (3 pages)
56. Search Warrant Data [REDACTED] (2 pages)
57. Laboratory Report [REDACTED]